



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA BLVD., SUITE 500
PALM BEACH GARDENS, FLORIDA 33410

Palm Beach Gardens Section
SAJ-2004-3144 (IP-JWH)

AUG 29 2008

Palm Beach County
Department of Environmental Resources Management
Attn: Richard Walesky
2300 N Jog Rd., 4th Floor
West Palm Beach, FL 33411-2743

Dear Mr. Walesky:

The U.S. Army Corps of Engineers (Corps) is pleased to enclose the Department of the Army permit, which should be available at the construction site. Work may begin immediately but the Corps must be notified of:

- a. The date of commencement of the work,
- b. The dates of work suspensions and resumptions of work, if suspended over a week, and
- c. The date of final completion.

This information should be mailed to the Enforcement Section of the Regulatory Division of the Jacksonville District at Post Office Box 4970, Jacksonville, Florida 32232-0019. The Enforcement Section is also responsible for inspections to determine whether Permittees have strictly adhered to permit conditions.

IT IS NOT LAWFUL TO DEVIATE FROM
THE APPROVED PLANS ENCLOSED.

Sincerely,

Osvaldo Collazo
Chief, Regulatory Division

Enclosures

Copies Furnished:

CESAJ-RD-PE

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Palm Beach County Dept of Env Resources Mgmt

File Number: SAJ-2004-3144(IP-JWH)

Date:

Attached is:

See Section below

<input checked="" type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Project Manager as noted in letter

If you only have questions regarding the appeal process you may also contact:

**Michael F. Bell
404-562-5137**

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

DEPARTMENT OF THE ARMY PERMIT

Permittee: Palm Beach County
Department of Environmental Resources Management
2300 North Jog Road
West Palm Beach, FL 33411-2743

Permit No: SAJ-2004-3144 (IP-JWH)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The applicant has proposed to perform the following activities: 1) excavation of 1.01 acres of existing uplands to a depth of -4 feet to -6 feet NGVD in order to create a boat basin; 2) excavation of approximately 1,944 cubic yards of sand from waters adjacent to the Intracoastal Waterway in order to provide a hydrological connection from the proposed project to the Intracoastal Waterway; 3) excavation of 0.8 acres of existing mangrove ditches to improve flushing; 4) scrape down areas and plant with mangrove seedlings to create 4.3 acres of mangrove wetlands; 5) excavation to create 3.1 acres of seagrass habitat; 6) construction of a multislip dock to consist of a 1,275 square foot boardwalk, two aluminum ramps and a 1440 square foot floating concrete dock on fixed piles to accommodate six slips. The work described above is to be completed in accordance with the 9 pages of drawings and 3 attachments affixed at the end of this permit instrument.

Project Location: The project is located within the Intracoastal Waterway (IWW), freshwater and tidal wetlands adjacent to the IWW in Juno Dunes Natural Area, (Section 20, Township 41 S, Range 43 E) in Palm Beach County, Florida.

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PERMITTEE: Palm Beach County DERM
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Directions to site: Directions to the site are as follows: In Palm Beach County, exit I-95 at Donald Ross Rd. Continue east on Donald Ross Rd. Juno Dunes Natural Area is located north of Donald Ross Rd. between the Intracoastal Waterway and US 1.

Latitude & Longitude: Latitude: 26.88867 N
Longitude: 80.07013 W

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on ~~Aug 19~~ **2013**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

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5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions (Attachment A).

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232. The Permittee shall reference this permit number, SAJ-2006-6376(IP-JWH), on all submittals.

2. Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

4. Prior to the initiation of any of the work authorized by this permit the Permittee shall install floating turbidity barriers with weighted skirts that extend to within 1 foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place

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and be maintained until the authorized work has been completed and all erodible materials have been stabilized.

5. The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

6. Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment B) to the Corps. The drawings shall be signed and sealed by a Florida registered professional engineer or a professional land surveyor registered in the state of Florida and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8 1/2-inch by 11-inch). The drawings shall include the X-Y coordinates of the most waterward point of the structure and a point at the mean high water line (MHWL) or the face of the bulkhead/seawall, if present. The drawings shall include: (1) The dimensions of the structure, (2) depth of water (at mean low water) at the waterward end of the structure, and (3) the distance from the waterward end of the structure to the near bottom edge of the channel.

b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

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d. Include pre- and post-construction aerial photographs of the project site, if available.

7. The Permittee shall comply with the Standard Manatee Construction Conditions and the Standard Construction Condition for Seaturtles and Smalltooth Sawfish provided in Attachment C of this permit.

8. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

9. Spoil generated from the excavation authorized by this permit must be placed on an upland site and contained in such a manner as to prevent erosion into wetlands and other surface waters.

10. During the construction of the tidal mangrove wetlands, boat basin and entrance channel, the connected shallow tidal pond, all work shall be conducted behind earthen plugs. Turbidity curtains shall be utilized during the removal of the earthen plugs, when excavating a connection to tidal waters.

11. The 3.1 acres of seagrass habitat and 4.3 acres of tidal mangrove wetlands created by this project will be considered for mitigation to be used by the Florida Inland Navigation District (FIND) to offset impacts to seagrasses and mangroves caused by future dredging Intracoastal Waterway Project (IWW) activities in the Intracoastal Waterway (IWW) within Dredging Reach 2 in Palm Beach County, which extends roughly from Lake Worth Lagoon north to Indiantown Road Bridge. The amount of mitigation credit awarded shall be based on a functional assessment of the 3.1 acre seagrass mitigation area and the 4.3 acre mangrove

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mitigation area at the time FIND makes the request for it be utilized. Issuance of this permit does not constitute Department of the Army approval of future dredging by FIND within Reach 2 or any other portion of the IWW.

12. A portion of the proposed work is located within the Federal right-of-way for the Intracoastal Waterway and requires a Department of the Army Consent to Easement. By copy of this permit, the proposal is being forwarded to the Corps Real Estate Division for action on the Consent to Easement. Prior to commencement of construction the Permittee shall provide written verification to the Corps that the Consent to Easement has been approved. Failure to obtain the Consent to Easement invalidates this authorization.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899
(33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

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3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

PERMIT NUMBER: SAJ-2004-3144 (IP-JWH)
 PERMITTEE: [REDACTED]

PERMITTEE: Palm Beach County DERM
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Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Richard E. Wainby
(PERMITTEE)

8/14/08
(DATE)

Richard E. Walesky
(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

John White
(DISTRICT ENGINEER)

Paul L. Grosskruger
Colonel, U.S. Army
District Commander

(DATE)

PERMIT NUMBER: SAJ-2004-3144(IP-JWH)
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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEEEE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

PERMIT NUMBER: SAJ-2004-3144 (IP-JWH)
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*Attachments to Department of the Army
Permit Number SAJ-2004-3144 (IP-JWH)*

1. PERMIT DRAWINGS: 10 pages, dated May 9, 2008.
2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. Attachment A.
3. As-Built Certification Form. Attachment B.
4. Additional Documents: Manatee Construction Conditions and Standard Construction Conditions for Seaturtles and Small tooth Sawfish. Attachment C.

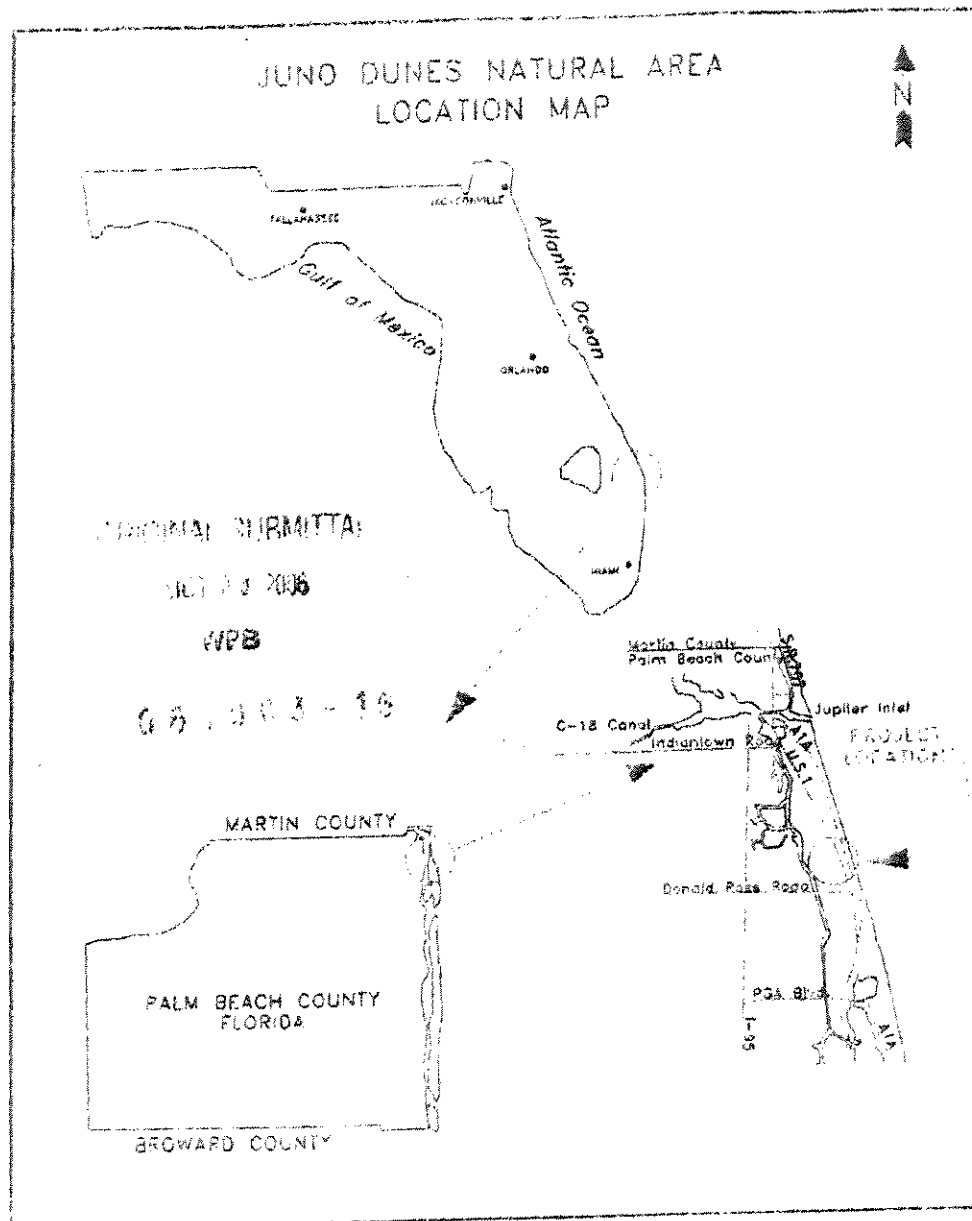
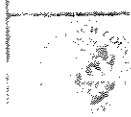


EXHIBIT 1.0 APP. NO. 061003-16



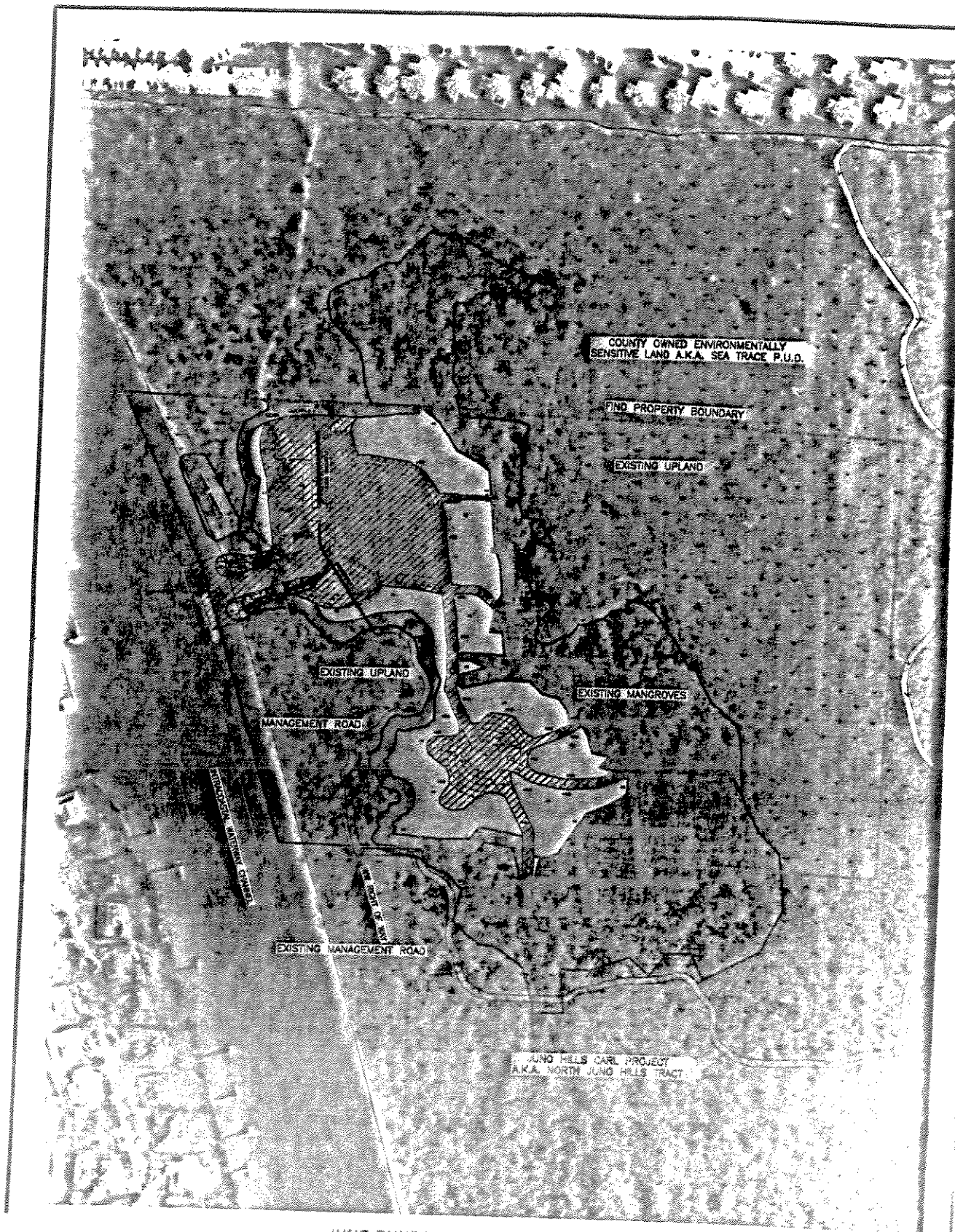
PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENT
AND NATURAL
RESOURCES

JUNO DUNES
NATURAL AREA
LOCATION MAP

SCALE: AS NOTED
DATE: 06/03/06
BY: [signature]



US Army Corps
of Engineers



JUNO DUNES NATURAL AREA PLAN VIEW

BOUNDARIES, OWNERSHIP, LEASES



US Army Corps
of Engineers

File # SAJ-2004-3144(IP-JWH)

Attachment # _____, Page 2 of 10

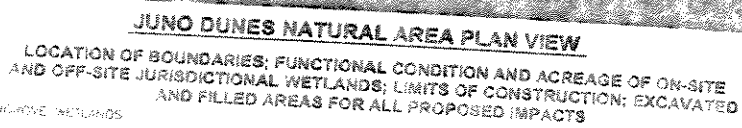


PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL
RESOURCES
MANAGEMENT

JUNO DUNES
NATURAL AREA
PLAN VIEW

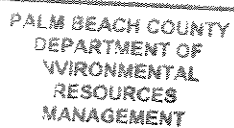
SCALE: AS NOTED
APPROVED: CB
DRAWN: RB
DATE: 12/06

Justin Davis
03.04.07
SHEET 1 OF 8



- [illegible]

NOTES: SEE PLAN VIEW AND CROSS SECTION DETAILS OF LITCHES ON SEPARATE SHEET
NOTES: MEAN HIGH WATER = +1.5' NGVD, MEAN LOW WATER = -0.8' NGVD



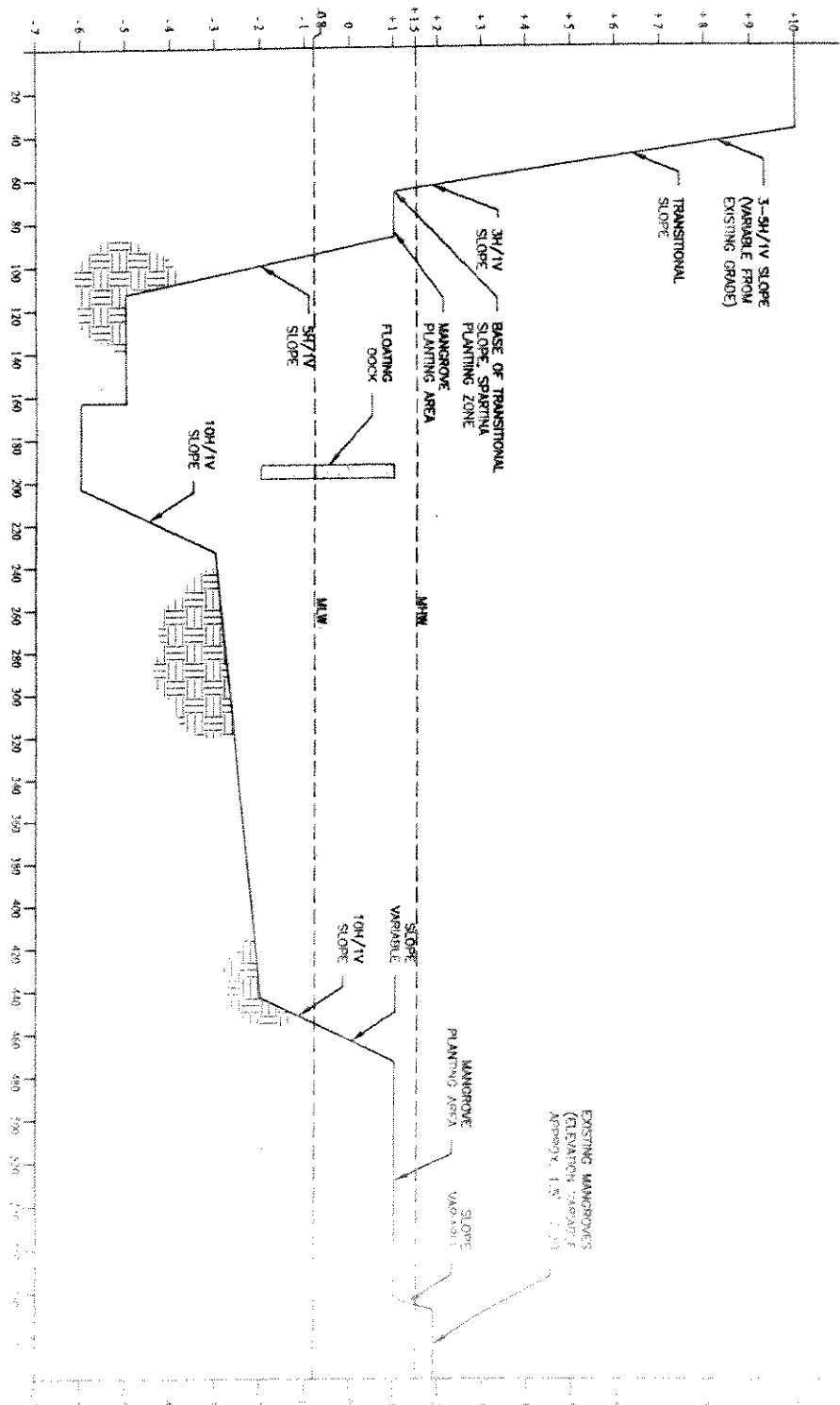
JUNO DUNES
NATURAL AREA
PLAN VIEW

SCALE: AS NOTED
APPROVED: CB
DRAWN: RB
DATE: 12/06

05/11/07
SHEET 1 OF 1

- NOTES:
- 1) PROPOSED PILING FOR DOCK, BOARDWALK, OR OTHER MARKER PILES WILL BE GREENHEART PILING, GALVANIZED STEEL OR CONCRETE.
 - 2) ELEVATIONS ARE MGD 1929.
 - 3) VERTICAL SIDE SLOPES INDICATE SPICES CUT WITH A VERTICAL EDGE AND ALLOWED TO ASSUME A NATURAL SLOPE (ANGLE OF REPOSE)

SECTION A

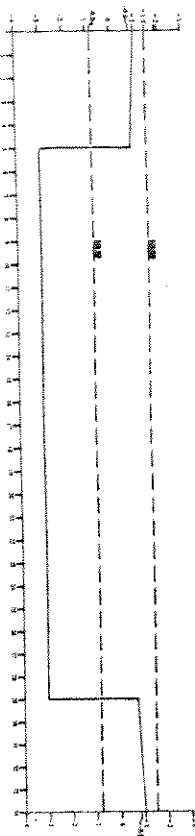


US Army Corps
of Engineers

File # SAI-2004-314(P-JWH)

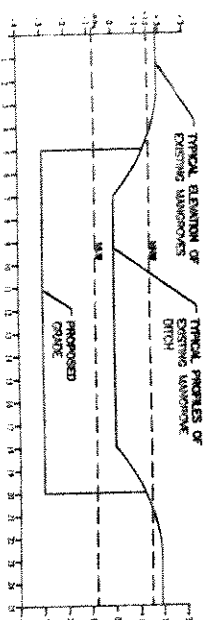
Attachment # 10, Page 5 of 10

JUNO DUNES NATURAL AREA FIND		STRUCTURE SECTION F				PALM BEACH COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT 2000 NORTH JOG ROAD, 4TH FLOOR WEST PALM BEACH, FLORIDA 33411 (561) 233-2400	
Date: 10/10/00 By: [Signature]		Scale: 1" = 100' Drawn: [Signature] Checked: [Signature] Date: 10/10/00		Project: [Blank] Sheet: [Blank]		[Blank]	



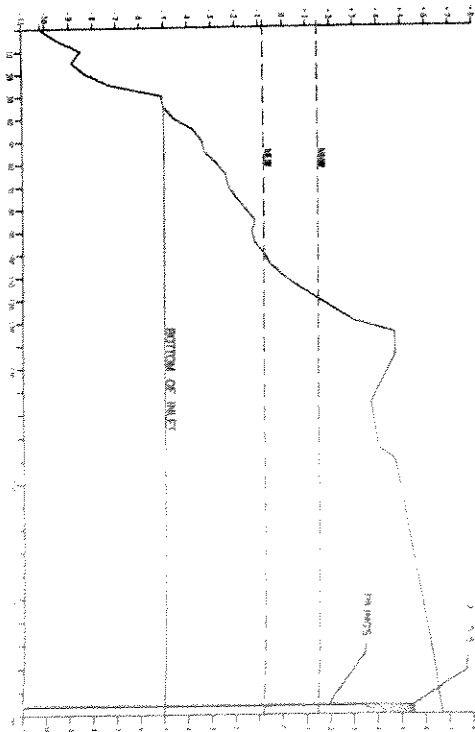
NOTES:
1) VERTICAL SLOPE SLOPES INDICATE
SLOPES CUT WITH A VERTICAL SLOPE
AND ALLOWED TO ASSUME A
NATURAL SLOPE (BASED ON
RECORDS)

SECTION C
CROSS-SECTION OF EXISTING CHANNEL



NOTES:
1) VERTICAL SLOPE SLOPES
INDICATE SLOPES CUT WITH A
VERTICAL SLOPE AND
ALLOWED TO ASSUME A
NATURAL SLOPE (BASED ON
RECORDS)

SECTION D
CROSS-SECTION OF LANDSCAPE DITCH



NOTES:
1) TYPICAL ELEVATION BASED ON TYPICAL
CROSS-SECTION FROM CHANNEL (TYPICAL)
2) THE ELEVATION IS BASED ON
RECORDS

SECTION F
TYPICAL ELEVATION BASED ON TYPICAL
CROSS-SECTION FROM CHANNEL (TYPICAL)



U.S. Army Corps
of Engineers

File # SAI-2004-3144(P-JWT)

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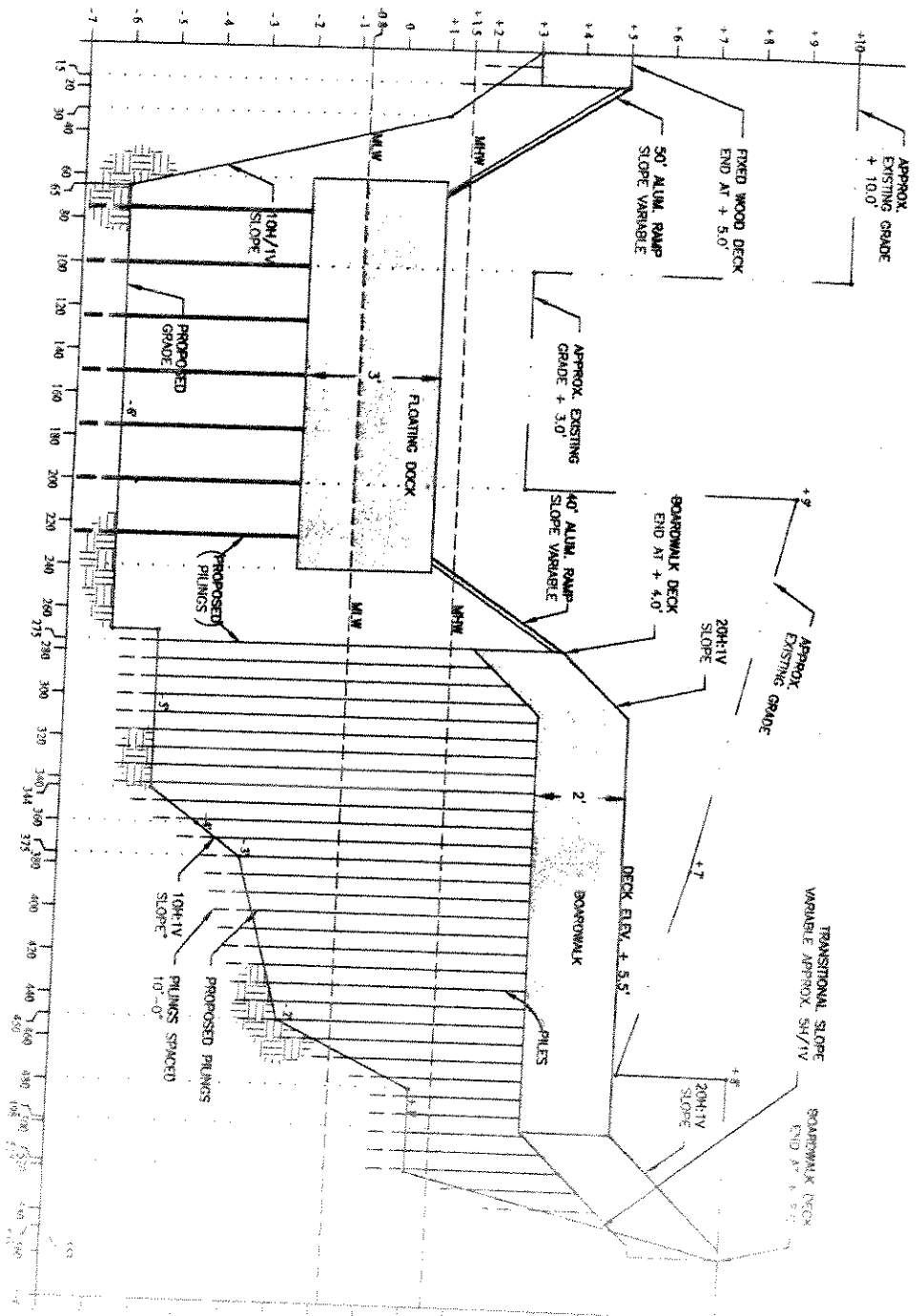


PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL RESOURCES MANAGEMENT
2900 NORTH JOE ROAD, 4th FLOOR
WEST PALM BEACH, FLORIDA 33411
(561) 438-2400

JUNO DUNES NATURAL
AREA FUND

STRUCTURE SECTION F

Project	SAI-2004-3144(P-JWT)
Client	U.S. Army Corps of Engineers
Contract	SAI-2004-3144(P-JWT)
Drawn	SAI-2004-3144(P-JWT)
Check	SAI-2004-3144(P-JWT)
Scale	1" = 10'
Date	10/10/04



NOTES:
 1) PROPOSED PILING FOR DOCK, BOARDWALK, OR OTHER
 MARKER PILES WILL BE GREENHEART PILING, GALVANIZED STEEL
 OR CONCRETE
 2) ELEVATIONS ARE NCVD 1929

SECTION F



U.S. Army Corps
of Engineers

File # SAJ-2004-3144(P-JWH)
 Attachment # 8 of 10

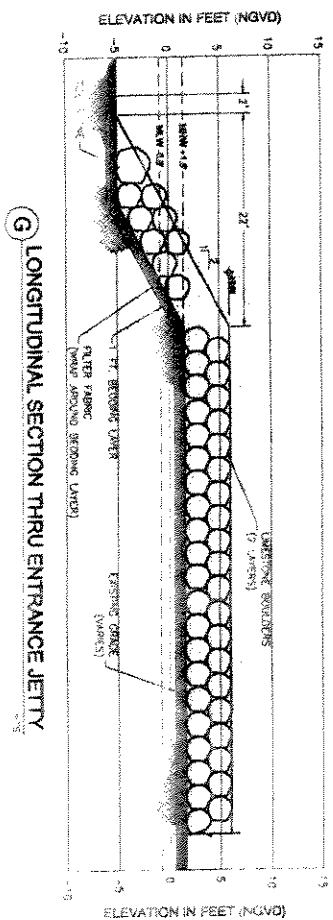
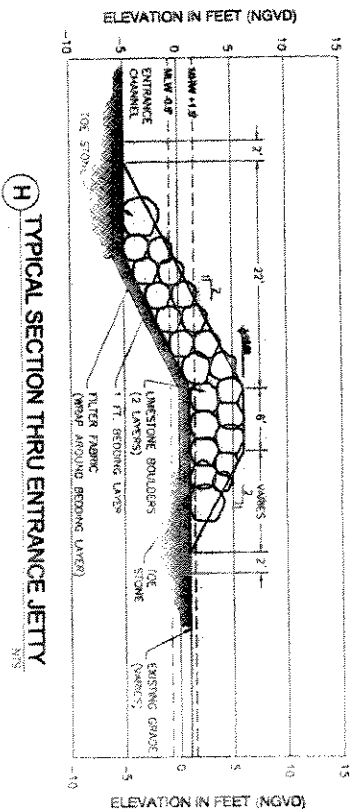
JUNO DUNES NATURAL
AREA FIND

STRUCTURE SECTION F

05.07.07



PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL RESOURCES MANAGEMENT
 2300 NORTH JOG ROAD, 4th FLOOR
 WEST PALM BEACH, FLORIDA 33411
 (561) 233-2600



EXISTING MANGROVES

BOAT'S SLIP

LOADING DOCK

(-4' TO -6' NGVD)
BOAT BASIN
(1 ACRE)

+4.0' NGVD

+5.5' NGVD

PLAN VIEW OF THE PROPOSED HYDROLOGIC
V BETWEEN THE PROPOSED PROJECT AND
THE INTRACOASTAL WATERWAY



US Army Corps
of Engineers
File # SAJ-2004-3144(IP-JWH)
Attachment # ____, Page 10 of 10



PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL
RESOURCES
MANAGEMENT

JUNO DUNES
NATURAL AREA
PLAN VIEW

SCALE: AS NOTED
APPROVED: CB
DRAWN: RB
DATE: 12/06

SEAL

SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on January 9, 2013.
2. Operation of the surface water management system and construction, maintenance and monitoring, success, management and operation of the environmental restoration and public recreational facilities project, shall be the responsibility of Palm Beach County.
3. A Letter Modification of this permit which demonstrates compliance with the permitted project design and environmental restoration components, is required for FIND to utilize the 3.61 wetland mitigation functional gain generated by this project to offset wetland impacts associated with FIND projects.
4. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
5. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
6. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
7. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
8. Prior to the commencement of construction, the permittee shall conduct a pre-construction meeting with field representatives, contractors and District staff. The purpose of the meeting will be to discuss construction methods and sequencing, including [type and location of turbidity and erosion controls to be implemented during construction, mobilization and staging of contractor equipment, phasing of construction, methods of vegetation clearing, construction dewatering if required, ownership documentation for eminent domain authority, coordination with other entities on adjacent construction projects, wetland/buffer protection methods, endangered species protection] with the permittee and contractors. The permittee shall contact District Environmental Resource Compliance staff from the West Palm Beach Service Center at (561) 682-6947 to schedule the pre-construction meeting.
9. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
10. The permittee acknowledges, that pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.
11. Pursuant to an Emergency Order of the Governing Board of the District, applications for water use permits for dewatering associated with the construction of the surface water management facilities proposed with this application will be considered on a case by case basis, and may or may not be issued prior to the Governing Board rescinding or modifying the Order. In addition, no irrigation with previously unallocated water may be conducted prior to the Governing Board rescinding or modifying the Order.
12. Endangered species, threatened species and/or species of special concern have been observed onsite and/or the project contains suitable habitat for these species. It shall be the permittee's responsibility to coordinate with the Florida Fish and Wildlife Conservation Commission and/or the U.S. Fish and Wildlife Service for appropriate guidance, recommendations and/or necessary permits to avoid impacts to listed species.



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to avoid impacts to listed species.

13. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).

The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.

Siltation barriers shall be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exist from essential habitat.

All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.

Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-772-562-3909) in south Florida.

Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 ft. by 4 ft. which reads Caution: Manatee Area will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2" by 11" which reads Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of operation. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-772-562-3909) in south Florida.

14. Within 30 days prior to the completion of construction, the permittee shall install permanent education manatee signs in accordance with FWC guidelines, including FWC approval for the number, type, and location of signs. In addition, FWC requires the permittee to agree to replace the signs in the event the signs fade, become damaged or outdated, and maintain these signs for the life of the facility. The guidelines for installation can be found at:

<http://www.myfwc.com/manatee/signs/>, or can be obtained by contacting the FWC, Imperiled Species Management Section at: 620 South Meridian Street, 6A, Tallahassee, Florida 32399-1600 (telephone 904/922-4330).

15. At least one person shall be designated as a manatee observer when the barrier between the upland excavation area and the Intracoastal Waterway is removed to allow water flow into the new artificial basin. That person shall have experience in manatee observation, and be equipped with polarized



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- sunglasses to aid in observation. The manatee observer must be someone other than the dredge operator, must be on site during all in-water construction activities related to the basin breach and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity.
16. All barge activity shall occur only in areas where at least one-foot bottom clearance is maintained at all times.
 17. Any proposed revisions to the permitted work schedules shown on Exhibit No. 10.0 must include documentation that the environmental enhancement work will be completed concurrently with authorized wetland impacts.
 18. The permittee and all designated contractors shall adhere to all project and mitigation construction details and methodology indicated on the enclosed permit Exhibits and described herein.
 19. Spoil generated from the excavation authorized by this permit must be placed on an upland site and contained in such a manner as to prevent erosion into wetlands or other surface waters.
 20. During construction of the created tidal mangrove wetlands, boat basin and entrance channel, and the connected shallow tidal pond, all work shall be conducted behind earthen plugs. The earthen plugs shall remain in place after the completion of construction until such time as the turbidity levels in the created surface waters are within 29 NTUs of the receiving waterbody. Turbidity curtains shall be utilized during the removal of the earthen plugs, when excavating the connection to tidal waters of the Intracoastal Waterway and restoring tidal connection to the existing mangrove wetlands, and during construction of the floating dock and piles within the created boat basin.
 21. Dock and walkway pilings shall be constructed of plastic, concrete or greenheart, non-CCA treated wood or wood wrapped in 30 to 60 mil pvc.
 22. Construction of docking facilities at the site shall be in accordance with the locations and dimensions of the dock structures shown on the enclosed exhibits.
 23. No fueling or fish cleaning facilities shall be installed or operated on the docking facilities that are authorized herein for the life of the facility.
 24. Any docking facility proposed in the future shall require approval by the District through a modification to the existing Environmental Resource Permit.
 25. Mooring at the docking facility is considered transitory for public use.
 26. A maintenance program shall be implemented in accordance with Exhibit No. 6.0 for the 4.3 acres of created mangrove wetlands, the 3.1 acres of created seagrass habitat, and the 11.5 acres of enhanced mangrove wetlands, on a regular basis to ensure the integrity and viability of those areas as permitted. Maintenance shall be conducted in perpetuity to ensure that the areas are maintained free from Category 1 exotic vegetation (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance) immediately following a maintenance activity. Coverage of exotic and nuisance plant species shall not exceed 5% of total cover between maintenance activities. In addition, the permittee shall manage the areas such that exotic/nuisance plant species do not dominate any one section of those areas.
 27. Perpetual maintenance of the 4.3 acres of created mangrove wetlands, the 3.1 acres of created seagrass habitat and the 11.5 acres of enhanced mangrove wetlands, shall include regular maintenance of the enhanced mangrove tidal flushing channels to ensure regular tidal flushing. Such maintenance shall include, but may not be limited to, periodic removal of any accumulated material or sediment and any other measures necessary to prevent obstruction of tidal flushing through the created channels.
 28. A monitoring and maintenance program for the 4.3 acres of created mangrove wetlands, the 3.1

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acres of created seagrass habitat and the 11.5 acres of enhanced mangrove wetlands, shall be implemented in accordance with Exhibit Nos. 6.0-6.4. The bi-annual monitoring program shall extend for a period of five years with annual reports submitted to District Environmental Resource Compliance staff, or longer as needed to demonstrate compliance with the success criteria outlined in Exhibit No. 6.0-6.4 and the targeted coverages outlined below.

At the end of the first monitoring period, the mangrove mitigation areas shall contain at least 80% coverage of mangrove sp. and/or *Spartina alterniflora*. The 80% coverage shall be maintained throughout the remainder of the monitoring program, with replanting as necessary. If mangrove sp. and/or *Spartina alterniflora* do not achieve an 80% coverage within the initial two years of the monitoring program, red mangroves and/or *Spartina alterniflora* shall be planted in accordance with the maintenance program. At the end of the 5 year monitoring program, the entire created/enhanced mangrove mitigation areas shall contain an 80% coverage of mangrove sp. and/or *Spartina alterniflora*.

In addition, the created mangrove wetlands and adjacent transitional embankments and enhanced mangrove wetlands will be maintained less than 5% exotic nuisance plants (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance) for 5 consecutive years to achieve success, then in perpetuity per the long-term maintenance provisions. Other nuisance plants shall be controlled at no more than 5% coverage and maintained at or below this level for 5 consecutive years, and in perpetuity per the long-term maintenance provisions. Exotic and other nuisance plants shall be controlled such that these species do not dominate any one section of those areas. Specifically, no area of 1/2 acre in size shall exceed the 5% coverage required for the overall conservation area.

The permittee is advised that UMAM scores provided herein for the seagrass creation component of the project are only estimates. Success of the seagrass creation area(s) and the amount of mitigation functional units generated by this component of the project will be evaluated and determined by the appropriate reviewing agency at the time of application for any impact project proposing to use this as mitigation.

29. Use of any wetland mitigation functional gain that may be generated by the work proposed in this application to offset wetland impacts associated with future FIND projects will be at the discretion of Florida Department of Environmental Protection (FDEP) at the time of permit application to FDEP for the FIND impact project.
30. The environmental restoration/mitigation project shall be implemented in accordance with Exhibit Nos. 3.0-3.12 and 6.0-6.4. The permittee shall create 4.3 acres of tidal mangrove wetlands, 3.1 acres of seagrass habitat, 1.0 acres of open water habitat, and 1.4 acres of transitional vegetation embankment, and shall enhance 11.5 acres of existing tidal mangrove wetlands and adjacent pine flatwoods and xeric oak uplands.
31. A time zero monitoring report for the 4.3 acres of created mangrove wetlands, 3.1 acres of created seagrass habitat and 11.5 acres of enhanced mangrove wetlands, shall be conducted in accordance with Exhibit Nos. 6.0, 6.4 and 10.0. The plan shall include a survey of the areal extent, acreage and cross-sectional elevations of the created/restored areas and panoramic photographs for each habitat type. The report shall also include a description of planted species, sizes, total number and densities of each plant species within each habitat type as well as mulching methodology. The report shall also include a description of naturally recruited species, sizes, total number and densities of each plant species within each habitat type.
32. A monitoring program shall be implemented for the 4.3 acres of created mangrove wetlands, the 3.1 acres of created seagrass habitat and the 11.5 acres of enhanced mangrove wetlands, in accordance with Exhibit No. 6.0-6.4. The bi-annual monitoring program shall extend for a period of 5 years with annual reports submitted to District staff. At the end of the first monitoring period the mangrove



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wetland creation areas and transitional embankments shall contain an 80% survival of planted vegetation. The 80% survival rate shall be maintained throughout the remainder of the monitoring program, with replanting as necessary. If native wetland, transitional, and upland species do not achieve an 80% coverage within the initial two years of the monitoring program, native species shall be planted in accordance with the maintenance program. At the end of the 5 year monitoring program the mangrove wetland creation areas shall contain an 80% survival of planted vegetation and an 80% coverage of desirable obligate and facultative wetland species. In addition, at the end of the 5 year monitoring program, monitoring will demonstrate the presence of seagrasses within the seagrass habitat creation areas.

33. Prior to the commencement of construction and in accordance with the work schedule in Exhibit No. 6.4, Palm Beach County shall submit two certified copies of the recorded conservation easement for the 2.07 acre northern portion of the project site which is owned by Palm Beach County, in accordance with Exhibit No. 8.0. The data shall be supplied in a digital ESRI Geodatabase (mdb), ESRI Shapefile (shp) or AutoCAD Drawing Interchange (dxf) file format using Florida State Plane coordinate system, East Zone (3601), Datum NAD83, HARN with the map units in feet. This data shall be submitted as a paper map depicting the Conservation Easement over the best available satellite or aerial imagery. This data shall also reside on a CD or floppy disk and be submitted to the District's Environmental Resource Compliance Division in the service area office where the application was submitted.

The recorded easement shall utilize the form attached as Exhibit Nos 8.2-8.13. Any proposed modifications to the approved form must receive prior written consent from the District. The easement must be free of encumbrances or interests in the easement which the District determines are contrary to the intent of the easement. In the event it is later determined that there are encumbrances or interests in the easement which the District determines are contrary to the intent of the easement, the permittee shall be required to provide release or subordination of such encumbrances or interests.

34. The wetland conservation area shown on Exhibit Nos. 8.11-8.13 and owned by Palm Beach County, may in no way be altered from its natural or permitted state. Activities prohibited within the conservation areas include, but are not limited to: construction or placing of buildings on or above the ground; dumping or placing soil or other substances such as trash; removal or destruction of trees, shrubs, or other vegetation - with the exception of exotic vegetation removal; excavation, dredging, or removal of soil materials; diking or fencing; and any other activities detrimental to drainage, flood control, water conservation, erosion control, or fish and wildlife habitat conservation or preservation.
35. Activities associated with the implementation of the creation of 4.3 acres of mangrove wetlands, creation of 3.1 acres of seagrass habitat, and the enhancement of 11.5 acres of mangrove wetlands, and the monitoring and maintenance plan(s) for these areas, shall be completed in accordance with the work schedule attached as Exhibit No. 10.0. Any deviation from these time frames will require prior approval from the District's Environmental Resource Compliance staff. Such requests must be made in writing and shall include (1) reason for the change, (2) proposed start/finish and/or completion dates; and (3) progress report on the status of the project development or mitigation effort.
36. The District reserves the right to require remedial measures to be taken by the permittee if monitoring or other information demonstrates that adverse impacts to onsite or offsite wetlands, upland conservation areas or buffers, or other surface waters have occurred due to project related activities.
37. In accordance with Exhibit No. 9.0, Palm Beach County shall provide to the District the fully executed and recorded document depicted in Exhibit Nos. 8.2-8.13 to this staff report.
38. The 14.47 acre central portion of the project site which is owned by the Florida Inland Navigation District, will be protected long-term by FIND's recording of a Passive Recreational Conservation Easement in favor of the District over the 14.47 acre area, only when FIND requests utilization of the 3.61 units of wetland mitigation functional gain identified in this permit through a letter modification of this permit, in accordance with Exhibit Nos. 8.1-8.10 and 8.14-8.16. The executed and recorded



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Passive Recreational Conservation Easement document will be in complete conformance with the conservation easement document provided in Exhibit Nos. 8.2-8.10 and 8.14-8.16, and will be submitted to the District prior to issuance of a letter modification of this permit for FIND to utilize the 3.61 units of wetland mitigation functional gain.

39. Success of the mitigation activities proposed herein is heavily dependent on proper grading to achieve the design ground elevations necessary to recruit the expected vegetation or to sustain the proper hydrology for the targeted vegetation communities. The permittee shall submit as-built topography of the proposed mitigation area(s) prior to de-mobilizing earthwork equipment and prior to planting. The permittee shall correct any deficiencies in the project grade within 14 days of being notified of such deficiencies by District staff.



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AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineering drawings to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-2907.

1. Department of the Army Permit Number: _____

2. Permittee Information:

Name _____

Address _____

3. Project Site Identification:

Physical location/address _____

4. As-Built Certification:

I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

Signature of Engineer

Name (Please type)

(FL, PR or VI) Reg. Number

Company Name

Address

City

State

ZIP

(Affix Seal)

Date

Telephone Number

Deviations from the approved permit drawings and special conditions:
(attach additional pages if necessary)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be from a notebook or a standard ruled sheet of paper. The lines are thin and black. The background is plain white.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc



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STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

July 2005

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.



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FWC Approved Manatee Educational Sign Suppliers

ASAP Signs & Designs
624-B Pinellas Street
Clearwater, FL 33756
Phone: (727) 443-4878
Fax: (727) 442-7573

Wilderness Graphics, Inc.
P. O. Box 1635
Tallahassee, FL 32302
Phone: (850) 224-6414
Fax: (850) 561-3943
www.wildernessgraphics.com

Cape Coral Signs & Designs
1311 Del Prado Boulevard
Cape Coral, FL 33990
Phone: (239) 772-9992
Fax: (239) 772-3848

Municipal Supply & Sign Co.
1095 Fifth Avenue, North
P. O. Box 1765
Naples, FL 33939-1765
Phone: (800) 329-5366 or
(239) 262-4639
Fax: (239) 262-4645
www.municipalsigns.com

Vital Signs
104615 Overseas Highway
Key Largo, FL 33037
Phone: (305) 451-5133
Fax: (305) 451-5163

Universal Signs & Accessories
2912 Orange Avenue
Ft. Pierce, FL 34947
Phone: (800) 432-0331 or
(772) 461-0665
Fax: (772) 461-0669

New City Signs
1829 28th Street North
St. Petersburg, FL 33713
Phone: (727) 323-7897
Fax: (727) 323-1897

United Rentals Highway Technologies
309 Angle Road
Ft. Pierce, FL 34947
Phone: (772) 489-8772
or (800) 489-8758 (FL only)
Fax: (772) 489-8757



CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

**When a manatee is within 50 feet of work
all in-water activities must**

SHUT DOWN

Report any collision or injury to:

1-888-404-FWCC (1-888-404-3922)

Florida Fish and Wildlife Conservation Commission



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